

1. Requested Action:

Meeting Date: June 20, 2011

Approval of a modification to the Sub-Grant Agreement between the Town of Fort Myers Beach and the Florida Department of Emergency Management for the North Estero Blvd. Drainage Improvement Project to extend the term of the Agreement to November 30, 2011.

Why the action is necessary:

To extend the term of the Agreement to provide for the possibility of receiving additional grant allocation.

What the action accomplishes:

Approval of this Agreement provides for the potential of additional financial assistance to the Town for construction of stormwater improvements.

2. Agenda:

- ☒ Consent
☐ Administrative

3. Requirement/Purpose:

- ☐ Resolution
☐ Ordinance

4. Submitter of Information:

- ☐ Council
☒ Town Staff - Public Works

5. Background:

A portion of the North Estero Drainage Improvement Project has been funded through the Hazard Mitigation Grant Program. During the project design process a modification was made which increased the projected construction costs. This modification has allowed for additional stormwater to be collected, conveyed and treated. These additional costs were determined to be un-funded through the grant program and paid for by the Town. Staff has been working with the grant program agencies to reallocate funding for the design changes associated with the design modification, from the time of the change. The Town was recently notified that there is a strong possibility that additional funding will be allocated to accommodate the additional cost. In order to accomplish the approval for the additional allocation, the time period of the Sub-Grant Agreement needs to be extended. It will be necessary to bring back another Sub-Grant Agreement to Town Council when this additional funding is allocated. Should the allocation be approved as requested, it will provide a full 75% funding component which equals an additional \$342,423.00 of funding. Based on information received the FL Department of Emergency Management allocation is expected to be made by August, 2011.



6. Alternative Action:

Do not seek additional funding and close out the project.

7. Management Recommendations:

Approve

8. Recommended Approval:

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Cultural Resources Director	Town Clerk
						

9. Council Action:

☐ Approved ☐ Denied ☐ Deferred ☐ Other

Agreement Number: 09HM-06-09-46-02-010

Project Number: 1539-102-R

**MODIFICATION TO SUBGRANT AGREEMENT BETWEEN
THE DIVISION OF EMERGENCY MANAGEMENT AND
THE TOWN OF FORT MYERS BEACH**

This Modification Number Four is made and entered into by and between the State of Florida, Division of Emergency Management ("the Division"), and the Town of Fort Myers Beach ("the Recipient") to modify DEM Contract Number: 09HM-06-09-46-02-010, dated November 10, 2008 ("the Agreement").

WHEREAS, the Division and the Recipient have entered into the Agreement, pursuant to which the Division has provided a subgrant to Recipient under the Hazard Mitigation Grants Program of \$879,186.00; and

WHEREAS, the Agreement expired on May 30, 2011; and

WHEREAS, the Division and the Recipient desire to reinstate and to extend the terms of the Agreement.

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein, the parties agree as follows:

1. The Agreement is hereby reinstated as though it had never expired.
2. Paragraph 3 of the Agreement is hereby amended to read as follows:

This Agreement shall begin November 10, 2008, and shall end November 30, 2011, unless terminated earlier in accordance with the provisions of paragraph (12) of this Agreement.

3. The Budget and Scope of Work, Attachment A to the Agreement, are hereby modified as set forth in Revised Attachment A to this Modification, a copy of which is attached hereto and incorporated herein by reference
4. All provisions of the Agreement being modified and any attachments thereto in conflict with this Modification shall be and are hereby changed to conform to this Modification, effective as of the date of the last execution of this Modification by both parties.
5. All provisions not in conflict with this Modification remain in full force and effect, and are to be performed at the level specified in the Agreement.
6. Quarterly reports are due to the Division no later than 15 days after the end of each quarter of the program year and shall be sent each quarter until submission of the Administrative close-out report. The ending dates for each quarter of the program year are March 31, June 30, September 30 and December 31.

IN WITNESS WHEREOF, the parties hereto have executed this document as of the dates set out herein.

**RECIPIENT: TOWN OF FORT
MYERS BEACH**

DIVISION OF EMERGENCY MANAGEMENT

By: _____

By: _____

Name and Title: _____

Name and Title: Bryan W. Koon, Director

Date: _____

Date: _____

Attachment A (4th Revision)

Budget and Scope of Work

Scope of Work

As a Hazard Mitigation Grant Program project, the Recipient, the Town of Fort Myers Beach, proposes to improve the on going severe flooding by constructing a storm water collection and drainage system for the area from San Carlos Boulevard to Bodwitch Point Regional Park, Estero Island, Florida. The proposed improvements include the construction of a curb and gutter collection system using an inverted roadway crown with a series of inlets containing sediment and trash collection mechanisms. The series of inlets will be interconnected by an infiltration pipe network that will provide stormwater attenuation and infiltration. System outfalls to Estero bay will be installed at available points to accommodate larger, less frequent events. Where possible, these outfalls will be constructed as dry detention swales to provide additional detention capacity.

All materials will be certified to meet the standards of Florida Building Code and local codes. The local municipal or county building department will inspect and certify installation according to the current laws and specifications.

Environmental Review Project Conditions:

1. The Recipient must follow all applicable state, local and federal laws regulations and requirements, and obtain (before starting project work) and comply with all required permits and approvals. If project work is delayed for a year or more after the date of the CATEX, then coordination with and project review by regulatory agencies must be redone.
2. Any change, addition or supplement to the approved Scope of Work that alters the project (including other work not funded by FEMA, but done substantially at the same time) will require re-submission of the application to FEMA for NEPA re-evaluation before starting project work.
3. If any archaeological material is discovered during project work, work in that area shall cease immediately and the Recipient will contact the State Historic Preservation Officer (SHPO) and the DHS/FEMA Region IV Environmental Officer and FDEM State Environmental Liaison Officer for further guidance.
4. Construction vehicles and equipment used for this project shall be maintained in good working order to minimize pollutant emissions.
5. Any hazard materials and waste associated with this project will be stored, handled, transported and disposed in appropriate containers and/or facilities and in accordance with all applicable local, State, and Federal laws and regulations. The Contractor will implement measures to prevent spillage or runoff of chemicals, fuels, oils or sewer-related wastes during project work. If any hazardous materials are discovered within the project area, all ground disturbing activities will cease and the Florida Department of Environmental Protection will be contacted.
6. Best management practices will be used during project work to minimize soil erosion, sediment migration and turbidity. The Recipient will need to prepare and implement a Storm Water Pollution Prevention Plan (SWPP). The Recipient must obtain a National Pollutant Discharge Elimination System (NPDES) Generic Permit for Stormwater Discharge from Large and Small Construction Activities (if necessary). Copies of the Notice of Intent (NOI), SWPP and Notice of Termination (NOT) should be provided at project close-out.
7. The Recipient must adhere to all conditions of South Florida Water Management District (SFWMD) Standard General Environmental Resource Permit (ERP) (Permit Number: 36-02058-S).
8. The Florida Department of Environmental Protection, Bureau of Beaches and Coastal Systems has issued a Field Permit Pursuant to Section 161.053 or 161.52, Florida Statutes. The permit expired on October 31, 2008; therefore, an updated permit will need to be provided at project closeout.

This is FEMA project **1539-102-R**, funded under 1539-DR-FL.

The Period of Performance for this project ends on November 30, 2011.

Work Schedule

State Contracting:	5 Months
Construction Easements:	16 Months
Materials Deliveries:	4 Months
Bidding and Contracting:	2 Months
Unpredictable Weather Conditions:	4 Months
In-house Cleanup:	2 Month
<u>Final Inspection and Closeouts:</u>	<u>3 Months</u>
Total Period of Performance:	36 Months

Budget

Line Item Budget*

	Project Cost	Federal Share	Local Share
Phase I: Design and Permitting Services:	\$ 32,338.00	\$ 24,254.00	\$ 8,084.00
Phase II: 2" Type III Asphalt:	\$ 151,050.00	\$113,288.00	\$ 37,762.00
Phase II: 8" Limerock Base:	\$ 127,200.00	\$ 95,400.00	\$ 31,800.00
Phase II: 12" Sub-base:	\$ 72,000.00	\$ 54,000.00	\$ 18,000.00
Phase II: Storm Manholes:	\$ 20,000.00	\$ 15,000.00	\$ 5,000.00
Phase II: Curbing:	\$ 136,875.00	\$102,656.00	\$ 34,219.00
Phase II: 24" Slot Drain	\$ 253,000.00	\$189,750.00	\$ 63,250.00
Phase II: 24" RCP:	\$ 133,000.00	\$ 99,750.00	\$ 33,250.00
Phase II: Type Inlets:	\$ 20,700.00	\$ 15,525.00	\$ 5,175.00
MOT/SWP3MOB:	\$ <u>594,726.00</u>	\$ <u>148,875.00</u>	\$ <u>445,851.00</u>
Sub-Total:	\$1,540,889.00	\$858,498.00	\$682,391.00
<u>Administrative Cost:</u>	<u>\$ 0.00</u>	<u>\$ 20,688.00</u>	<u>\$ 0.00</u>
Total:	\$1,540,889.00	\$879,186.00	\$682,391.00

** Any line item amount in this Budget may be increased or decreased 10% or less without an amendment to this Agreement being required, so long as the overall amount of the funds obligated under this Agreement is not increased.*

Funding Summary

Federal Share:	\$ 858,498.00 (55.7%)
<u>Local Share:</u>	<u>\$ 682,391.00 (44.3%)</u>
Total Project Cost:	\$1,540,889.00 (100%)

Recipient Administrative Allowance up to \$20,688.00.